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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/464,830	12/17/1999	KARL J. MOLNAR	8194-350	8144

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MYERS BIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
RALEIGH, NC 27627

EXAMINER
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AHN, SAM K

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 03/30/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/464,830

Applicant(s)

MOLNAR, KARL J.

Examiner

Sam K. Ahn

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-18 and 25-36 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 22-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the appeal brief filed on 1/23/04, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Specification***

2. The abstract of the disclosure is objected to because it exceeds 150 words.  
Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cui (previously cited) in view of Chen et al. (Chen).

Regarding claims 1 and 19, Cui discloses a method and apparatus of a receiver comprising SA-CCIC (Single Antenna – Co-channel Interference Cancellation) demodulator and a conventional demodulator. Cui discloses detailed teaching of SA-CCIC in figure 5. The received signal,  $R(n)$  including interfering signals enter the SA-CCIC. (120 in Fig.5) The outputs of decision device (512) are  $S_i$  and  $S_d$ , interfering signal and desired signal, respectively. (note col.7, line 45 – col.9, line 55) These outputs are fed-back to determine a better estimation of a desired signal. (note col.9, line 56 – col.14, line 6) Cui further teaches SINR detector that measures signal to interference and noise ratio. Cui teaches demodulating the signal when a relationship between the signal and the noise and the interference meets a criterion, and jointly demodulating the signal when a relationship between the signal and the noise and the interference does not meet a criterion. (note col.14, lines 7-18) Joint demodulation can be defined, as stated in the specification (note 26<sup>th</sup> line on page 1 – 4<sup>th</sup> line on page 2) as a demodulator comprising more complex operation than a conventional demodulator, and detecting desired signal from a received signal that includes an interfering signal. Cui teaches SA-CCIC demodulator with equal function as of the joint demodulator.

Although Cui also teaches the receiver canceling co-channel interference, Cui does not explicitly teach a joint demodulator meeting the definition wherein the

receiver is a joint demodulator demodulating both the desired signal and interfering signal, but rather demodulates only the desired signal.

Chen teaches a receiver comprising a joint channel estimator (12 in Fig.1) and a Joint Vector Viterbi Algorithm (20) to cancel co-channel interference where both the desired signal and the interference signal are channel estimated and both are demodulated. (note col.3, lines 30-49, note col.5, lines 1-15 and col.6, lines 31-50) And although Cui's SA-CCIC also teaches a receiver canceling interference, it would have been obvious to one skilled in the art at the time of the invention to demodulate both the desired signal and the interference signal in Cui's SA-CCIC demodulator for the purpose of receiving signals with a low bit error rates by implementing a Fobenius norm, which takes the difference between the received signal and the actual received signal resulting in minimizing the node metric in the Viterbi algorithm, as taught by Chen. (note col.7, lines 7-18) By demodulating both desired signal and interfering signal, as taught by Chen in Cui's demodulator, one skilled in the art would analyze that combination of Cui and Chen meets the limitation of a joint demodulator, and wherein Cui further teaches the limitation in the claims, as explained earlier.

Regarding claims 2 and 20, Cui in view of Chen teach all subject matter as applied to claims 1 and 19. One skilled in the art may consider the criterion to be a first criterion or a second criterion, wherein the first and second criterion may be the same criterion. In regards to the limitation of the demodulator and the

joint demodulator responding to a relationship between the noise and the interference meeting or not meeting a criterion, Cui, as explained above, teaches signal to noise and interference relationship. And therefore, one skilled in the art may analyze that the interference, which is extracted from the signal, uses the same criterion, which includes the relationship between the noise and the interference. (note col.14, lines 7-18)

Regarding claims 3 and 21, Cui in view of Chen teach all subject matter as applied to claims 1 and 19. In demodulating the signal received, Cui further teaches a threshold SINR value of 6 dB to determine whether conventional demodulation or SA-CCIC demodulation is used. (note col.14, lines 7-18) When SINR value is greater than 6 dB, conventional demodulation is used, while SA-CCIC demodulation is used when less.

***Allowable Subject Matter***

4. Claims 4-6 and 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 7-18 and 25-36 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

Present application discloses a receiver comprising a demodulator and a joint demodulator, and selecting one of the demodulators depending on the level of signal to noise and interference ratio. Closest prior art, Cui teaches, in the same field of endeavor, selecting one of the demodulator depending on a threshold, however, Cui does not teach a second criterion, which is different from a first criterion, to further determine which demodulator is to be implemented in the receiver. Furthermore, prior art does not teach finding the sequence of interference signal from the signal received based on the criterion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Sam Ahn** whose telephone number is **(703) 305-0754**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Stephen Chin**, can be reached at **(703) 305-4714**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to:**

**(703) 872-9306**

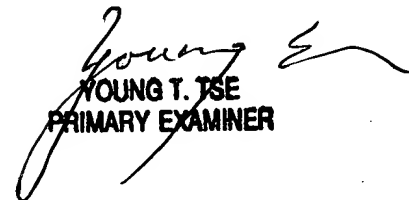
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Sam K. Ahn  
3/24/04

  
YOUNG T. TSE  
PRIMARY EXAMINER